



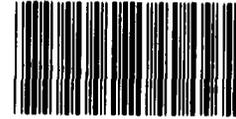
UNITED STATES GENERAL ACCOUNTING OFFICE  
WASHINGTON, D C 20548

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May 2, 1984

B-214960

Keith Colbo, Chairman  
Northwest Power Planning Council  
700 Southwest Taylor  
Portland, Oregon 97205



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Dear Mr. Colbo:

Subject: Matters for consideration when the Columbia River  
Basin Fish and Wildlife Program is revised (005300)

The Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839) (Northwest Power Act) was enacted on December 5, 1980. The act created the Pacific Northwest Electric Power and Conservation Planning Council (Council). As you know, section 4(h)(1a) requires the Council to develop and adopt a fish and wildlife program (Program) to protect, mitigate, and enhance Columbia River Basin (Basin) fish and wildlife affected by the Basin's hydroelectric dams. We conducted a review to assess the Council's compliance with section 4(h) of the Northwest Power Act. We assessed neither the technical or legal adequacy of the Council's Program measures, nor their costs and benefits.

Our review showed that the Council developed its Program according to the procedures and standards specified in the Northwest Power Act. During the Program development process, the Council obtained and considered recommendations made by federal and state fish and wildlife agencies, tribes, and others to protect, mitigate, and enhance fish and wildlife; provided for public participation and comments on the recommendations; and based its Program measures on recommendations received. A discussion of Program development procedures and standards is contained in enclosure II.

The Council and its staff, after consultation with numerous parties, developed a fish and wildlife Program within the time-frame prescribed in the Northwest Power Act. However, the Program's development, in itself, will not assure protection, mitigation, and enhancement of the Basin's fish and wildlife. Program success will depend upon the degree to which the Program is accepted and implemented by federal and state agencies, Indian tribes, and other groups.

During our review we spoke with several of these agencies and groups. Overall, they were satisfied with the process used to develop the Council's Program, but they did express some concerns they believed may need to be addressed to effectively implement the Program. Concerns identified include (1) Program management

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coordination, (2) sources of Program funding, (3) competing purposes for water, and (4) nonhydroelectric causes of fish and wildlife declines. While we did not review these concerns in sufficient detail to offer specific recommendations, we are bringing them to your attention for consideration as you revise the current Program. Information on the objective, scope, and methodology used for this review is contained in enclosure I.

#### PROGRAM MANAGEMENT COORDINATION

Responsibilities for past Basin fish and wildlife mitigation efforts have been fragmented among various agencies. Concern that these efforts had been uncoordinated and not fully satisfactory led to the Northwest Power Act provisions to develop a comprehensive fish and wildlife Program. Compliance with the act's provisions and implementation of the program's protection, enhancement, and mitigation measures will require coordination among many diverse organizations. In addition to the Council, these organizations include: 5 federal agencies with hydroelectric power responsibilities, 7 federal and state fish and wildlife agencies, 4 state water management agencies, 12 Indian tribes, and a number of private and public power utilities.

The need for coordination is even greater now since the Council's Program calls for more than 200 primary measures to be implemented over several years and many measures involve further planning in their implementation. The consensus of fish and wildlife, and federal operating and regulatory agency officials interviewed, was that coordinating efforts among all parties and monitoring the progress of each measure, are especially important for efficient Program implementation.

The Northwest Power Act assigns specific duties and responsibilities and grants the Council authority to act as a focal point for Program development. The Northwest Power Act, however, is not as explicit or definitive about a focal point with responsibility for coordinating Program implementation. Because of its legislated responsibilities for coordinating Program development, monitoring Program implementation, and periodically reporting on Program effectiveness, we believe the Council is a logical focal point for coordinating Program implementation.

#### FUNDING SOURCES

Reaching agreement among the numerous Program participants about who will assume financial responsibility for a specific Program measure may well be one of the most difficult Program development tasks. However, it may also be one of the most important prerequisites to successful Program implementation.

The Northwest Power Act states that the Bonneville Power Administration (Bonneville) will fund Program measures to protect, mitigate, and enhance Basin fish and wildlife but that

Bonneville's funds will be in addition to, and not in lieu of, other funding from other entities. This means that Bonneville's funds cannot be used to displace funds (1) traditionally spent by other entities for on-going activities or (2) required under other agreements or provisions of law. However, the Council's present Program:

- does not recognize all pre-Program projects or measures and does not differentiate between Program and pre-Program measures to help ensure that Bonneville funds do not displace ongoing activities,
- does not identify funding sources for some of the Program's measures,
- specifies Bonneville funding of some measures traditionally funded by other agencies, and
- provides that the Council and agencies involved may select whichever funding sources are "most expeditious."

Ultimately, the success of Program implementation will depend heavily upon how well participants accept joint or individual responsibility for funding each Program measure. The Council may need to identify funding sources and reach consensus with financial sponsors as to their appropriate participation.

#### COMPETING PURPOSES FOR WATER

The multi-purpose nature of the dams may, at times, present conflicting goals because many parties with diverse interests compete for the same water. Early in our review a particular concern expressed by a number of federal hydroelectric project operators was the Program's requirement to increase April-June water flows to enhance the downstream fish migration ("water budget"). The concern expressed was that the water budget could adversely affect U.S. Army Corps of Engineers (Corps) flood control operations and Department of the Interior, Bureau of Reclamation (Bureau) irrigation requirements which are congressionally authorized project purposes.

For example, Corps flood control operations could be affected because storing water to meet the water budget flow requirements for fish may, in some cases, preempt reservoir storage capacity normally reserved for containing floodwater runoff. Also, water released for the water budget may in some cases, be needed to fulfill Bureau irrigation contracts.

The Council recognized these problems during Program development but chose, at that time, to deal with them during Program implementation. It encouraged the Corps to reexamine its flood control requirement to ensure a proper balance among the multiple purposes of its projects. These analyses have not yet been completed and the concerns have not been resolved during Program

implementation. It is estimated that the Corps' study will be completed in the late spring of 1985. This study should be useful as the Council amends its Program to address the multi-purpose nature of the dams.

NONHYDROELECTRIC CAUSES OF  
FISH AND WILDLIFE DECLINES

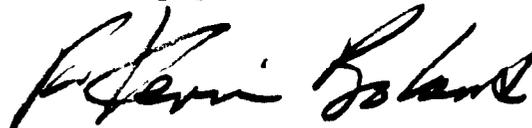
The Columbia River Basin fish and wildlife resources have been adversely affected by nonhydroelectric activities such as ocean fishing, logging, mining, grazing, and agriculture. A fish and wildlife sponsored study shows, for example, that overfishing in the ocean has been a major cause of the depleted Basin fish populations.

The Council's Program recognizes that nonhydroelectric factors, especially ocean and river harvest practices, have caused fish declines. The Program contains two measures which promotes consistency between the Program and harvest management plans and activities: first, that the Council will consult regularly with ocean and river fish harvest management entities; and second, that Council support for funding certain fish propagation facilities will be withheld unless adequate controls are placed on ocean and river harvests. The Program contains no other measures for fish harvesting, logging, agriculture, or other non-power activities and, as of February 1984, the Council had not entered or sponsored any coordination agreements with parties about implementing "additional measures." Several parties expressed concern that nonhydroelectric activities could adversely impact on fish and wildlife and counteract the positive effects of Program measures.

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We hope this information will be useful to the Council as it proceeds with its Program amendment process. Thank you for the courtesy and cooperation extended to our staff during this review.

Sincerely yours,



F. Kevin Boland  
Senior Associate Director

Enclosures

OBJECTIVES, SCOPE, AND METHODOLOGY

We conducted this review to assess the status of Council compliance with the Northwest Power Act's section 4(h) requirement to develop and adopt a fish and wildlife program dealing with the adverse impacts of the Columbia River Basin's (Basin) hydroelectric facilities. One specific objective was to determine whether the Council complied with the act's procedural requirements in developing the Program. Another objective was to describe the Council's actions to comply with the Act's standards for developing Program measures. We assessed neither the technical or legal adequacy of the Council's Program measures, nor their costs and benefits.

We reviewed records supporting the Council's Program, including the recommendations for Program measures and supporting documents submitted by the Basin's federal and state fish and wildlife agencies and Indian tribes; files of correspondence between the Council, the fish and wildlife interests, the owners, operators, and regulators of the Basin's hydroelectric projects, public interest groups, and private parties; records of Council hearings held to obtain agency and public input on the Council's Program plans; official comments of the various agencies and other affected interests submitted on the Council's draft Program; consultant reports; legislative history files on section 4(h); project authorization and regulation documents; and news releases.

In addition to meetings with Council representatives, we conducted interviews to provide a broad perspective of the concerns of various interests in the Basin. We interviewed numerous persons representing fish and wildlife interests. These were usually officials of the organizations who had supplied recommendations, studies, consultation services, or other information that section 4(h) required the Council to obtain and consider for Program preparation purposes. We conducted another series of interviews with hydroelectric power interests. Interviewees included officials of the federal agencies and representatives of public and private power interests who generate, transmit, or market power in the Basin. The officials we interviewed were generally recommended by other knowledgeable sources as those most familiar with the subject.

PROCEDURES AND STANDARDS FOR DEVELOPING THE  
NORTHWEST POWER ACT FISH AND WILDLIFE PROGRAM

PROCEDURES FOR NORTHWEST  
POWER ACT COMPLIANCE

Procedures were specified in section 4(h) of the Northwest Power Act for the Council to develop a fish and wildlife program (Program). According to the procedures, the Council was to: request recommendations and supporting data from federal and the region's state fish and wildlife agencies and appropriate Indian tribes on measures to protect and enhance fish and wildlife, provide notice of and make available recommendations and supporting data to appropriate agencies and Indian tribes, provide for public participation and comments on the recommendations and supporting data, and base the Program on the recommendations, supporting data, and comments received.

During the Program's development, the Council

- considered more than 400 recommendations submitted by fish and wildlife agencies, Indian tribal representatives, and other entities;
- conferred with more than 50 agencies and organizations in the Program consultation process;
- distributed more than 2,300 copies of the draft Program document to various individuals and organizations for comment;
- conducted public hearings in the four affected States (Idaho, Montana, Oregon, and Washington); and
- reviewed comments received from about 600 individuals and organizations in response to the draft Program document.

STANDARDS FOR PROGRAM MEASURES

Besides procedures, the Northwest Power Act also prescribes a number of standards for Program measures. Program measures are to complement existing and future activities of federal and the regions state fish and wildlife agencies and appropriate Indian tribes. They are also to be based on and supported by the best available scientific data for restoring anadromous fish, employ the least costly but equally effective alternative, be consistent with the Indian tribes' legal fishing rights and the Northwest Power Act's purposes, provide for improved anadromous fish survival at hydroelectric facilities and provide increased river flows to improve anadromous fish production, migration, and survival.

The Council's Program has more than 200 primary measures designed to "protect, mitigate, and enhance" the Columbia River

Basin's fish and wildlife resources adversely affected by hydroelectric projects. The Council actions to comply with the act's standards include:

- obtaining information about ongoing fish and wildlife activities from federal and state agencies and Indian tribes,
- hiring consultants, reviewing existing studies, and recommending additional studies to obtain "the best available scientific knowledge",
- providing an amendment process to substitute less costly but equally effective measures when they are identified, and
- developing measures for fish bypass facilities at dams to improve survival rates for migrating fish.